

**Board of County Commissioners
Hyde County, North Carolina**

Monday, January 4, 2016

Chairman Earl Pugh, Jr. called the Regular Meeting of the Hyde County Board of Commissioners to order at 2:07pm on Monday, January 4, 2016, in the Hyde County Government Center, Multi-Use Room, and Ocracoke via telephone.

The following members were present on the mainland: Commissioners Earl Pugh, Jr., Ben Simmons, Dick Tunnell and Barry Swindell; County Manager Bill Rich; Special Assistant County Manager Will Doerfer; Attorney Fred Holscher; Clerk to the Board Lois Stotesberry; and, members of the public.

The following members were present on Ocracoke: Commissioner John Fletcher, Public Information Officer Teresa Adams and members of the public.

Chairman Earl Pugh, Jr.; County Manager Bill Rich; Assistant County Manager Will Doerfer; Planning Director Kris Noble; and, Commissioners Tunnell, Simmons and Swindell traveled to Engelhard via Hyde County Transit to tour County owned property.

Chairman Pugh and the group reconvened the Regular Meeting of the Hyde County Board of Commissioners at 6:10pm on Monday, January 4, 2016, in the Hyde County Government Center, Multi-Use Room, and Ocracoke School Commons Room using electronic conferencing equipment.

The meeting was called to order following prayer by Commissioner Swindell and pledge of allegiance.

Consideration of Agenda:

Chairman Pugh asked for changes to the January 4, 2016 Meeting Agenda.

Commissioner Swindell moved to approve the January 4, 2016 Meeting Agenda as presented by the Clerk. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Pugh, Fletcher, Tunnell, Simmons, and Swindell; Nays – None; Absent or not voting – None.

Consideration of Minutes:

Commissioner Simmons moved to approve the December 7, 2015 Board of Commissioners Regular Meeting Minutes as presented by the Clerk with correction made on Page 1- Commissioner Fletcher attended the meeting at the Government Center; and, on Page 2 – There being no further comments from the public, Chairman Swindell Pugh continued the meeting. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Pugh, Fletcher, Tunnell, Simmons, and Swindell; Nays – None; Absent or not voting – None.

Presentations:

Commendation and Proclamation – Commissioner Barry Swindell

Chairman Pugh, on behalf of the Hyde County Board of Commissioners, issued certificate of “Commendation and Proclamation” for Commissioner Barry Swindell in recognition of his dedication and leadership role to the Board of Commissioners and the citizens of Hyde County since 2006.

Mr. Swindell was elected to the Board of Commissioners on December 4, 2006; served as Vice-Chairman from December 1, 2008 to February 26, 2010; Interim County Manager from February 4, 2013 to March 1, 2013; Chairman from December 3, 2012 to December 7, 2015; and, continues to serve as Vice-Chairman of the Hyde County Board of Commissioners.

Clerk's Note: A copy of “Commendation and Proclamation” for Commissioner Barry Swindell” is attached herewith as Exhibit A and incorporated herein by reference.

FY2015-2016 Audit Presentation

Alan W. Thompson, CPA, Thompson, Price, Scott, Adams & Co., P.A., presented overview and analysis of the financial activities of Hyde County for the fiscal year ended June 30, 2015:

Financial Highlights

- The assets and deferred outflows of resources of Hyde County exceeded its liabilities and deferred inflows of resources at the close of the fiscal year by \$38,932,619. (Net Position)
- The government’s total net position decreased by \$681,863, primarily due to increased net position in the business-type activities.
- As of the close of the current fiscal year, Hyde County’s governmental funds reported combined ending fund balances of \$9,140,209, an increase of \$132,283 in comparison with the prior year. Approximately 49.16 percent of this total amount, or \$4,493,358, or 37.79 percent of total general fund expenditures for the fiscal year.

Management's Discussion and Analysis

- The County's property taxes collection percentage of 94.83% is lower than the State-wide average of 97.97%, but is higher than the prior year rate of 94.44%.
- Hyde County uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.
- The General Fund is the chief operating fund of Hyde County. At the end of the current fiscal year, Hyde County's fund balance available in the General Fund was \$4,622,833 while total fund balance reached \$6,710,885. As a measure of the general fund's liquidity, it may be useful to compare both available fund balance and total fund balance to total fund expenditures. Available fund balance represents 38.64 percent of total General Fund expenditures, while total fund balance represents 56.09 percent of that same amount.
- At June 30, 2015, the governmental funds of Hyde County reported a combined fund balance of \$9,140,209, a 1.47 percent decrease under last year. The primary reason for this decrease was construction related to schools and the judicial center.
- Unrestricted net position for the Water and Sewer Fund at the end of the fiscal year amounted to \$1,094,851. The total change in net position for the Water and Sewer Fund was (\$545,203).
- The State of North Carolina limits the amount of general obligation debt that a unit of government can issue to 8 percent of the total assessed value of taxable property located within the government's boundaries. The legal debt margin for Hyde County is \$88,023,618.
- Tourism is a major economic contributor to Hyde County especially on Ocracoke Island, which was named America's #1 beach in 2007.
- Ecotourism, including hunting, fishing, and other more massive wildlife activities, are major economic factors for Hyde County.
- Agriculture, governmental, hospitality (tourism), and seafood are the largest employers in Hyde County.

Commissioner Swindell moved to accept the FY2015-2016 Audit. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell, Simmons, and Swindell; Nays – Fletcher; Absent or not voting – None.

Radon Action Month Proclamation

David Howard, Health Director, reported January is National Radon Action Month. Radon is the odorless, colorless gas that is the leading cause of lung cancer among non-smokers in the United States. An indoor elevated level of radon is a preventable and correctable problem and testing for radon is simple and inexpensive. The Hyde County Health Department will be offering free test kits throughout the month of January.

Commissioner Swindell moved to proclaim January 2016 "Radon Action Month" in Hyde County. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Fletcher, Tunnell, Simmons, and Swindell; Nays – None; Absent or not voting – None.

Clerk's Note: A signed copy of "Proclamation - Radon Action Month" is attached herewith as Exhibit B and incorporated herein by reference.

County Employee Drug Testing

Tammy Blake, Human Resources Director, presented overview of how drug testing of county employees is carried out. On January 22, 2008 the Hyde County Board of Commissioners adopted a drug testing policy and contracted with "Safety Works" to test safety sensitive employees for drug abuse from a list of 8 drug tests. Ms. Blake reported 40% to 50% of approximately 75 safety sensitive employees are selected from a random and an alternate list. Pre-employment tests cost \$58.00 and random tests cost \$37.00 each. Yearly expense for drug testing is \$3,000.00 to \$4,000.00.

Growing Hyde – Cultivating Economic Opportunities for the Future

Kris Noble, Planning Director, reported the Hyde County Office of Economic Development and the NC Wildlife Resources Commission has been working together along with other partners on a plan of restoration and operation for the Mattamuskeet Lodge. The team is planning a legislative event in January to introduce legislators to Hyde County's current economic development initiatives while specifically focusing on the plan for revitalization and operation for the Lodge. At this time the team will highlight the proposed business model, the public private partnership, the renovation redesign and updated costs and the benefits to the county and eastern region economically. Tours of the Lodge, area tours and waterfowl hunting will also be available. This will be the first in a series of legislative functions and has been approved by the State Ethics Committee. This event is an introduction to the project. There are plans for a Raleigh based event in March and a larger more promoted event in late fall 2016.

Employee Recognition:

County Manager Rich thanked employees who helped put up the Christmas tree in the Government Center lobby. Everyone who assisted will be treated to lunch at Martelle's in Engelhard.

Public Comment:

Chairman Pugh called for comments from the public.

Jim Borland, Ocracoke – reported he researched noise ordinances in other communities.

Sean Death, Ocracoke – read a letter from Captain Stephen J. Wilson in support of no noise ordinance enforcement from 7:00a.m. to 11:00p.m. from Memorial Day until Labor Day. Mr. Death asked why he was not allowed to be on the Agenda.

Ashley Harrell, Ocracoke – reported the proposed Noise Ordinance puts her business “Gaffer’s Sports Pub” at a stand-still.

There being no further comments from the public, Chairman Pugh continued the meeting.

Resolutions:**Condemning The Action Of The North Carolina Marine Fisheries Commission To Use The Supplement Process To Restrict Southern Flounder**

Commissioner Swindell moved to adopt “Resolution Condemning The Action Of The North Carolina Marine Fisheries Commission To Use The Supplement Process To Restrict Southern Flounder”. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Fletcher, Tunnell, Simmons, and Swindell; Nays – None; Absent or not voting – None.

Clerk's Note: A signed copy of “Resolution Condemning The Action Of The North Carolina Marine Fisheries Commission To Use The Supplement Process To Restrict Southern Flounder” is attached herewith as Exhibit C and incorporated herein by reference.

Requesting That The U.S. Army Corps of Engineers Amend The Existing Federal Authorization To Be More Inclusive Of The Entire Waterway At Hatteras Inlet and Its Connecting Channels

Commissioner Fletcher moved to adopt “Resolution Requesting That The U.S. Army Corps of Engineers Amend The Existing Federal Authorization To Be More Inclusive Of The Entire Waterway At Hatteras Inlet and Its Connecting Channels”. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Fletcher, Tunnell, Simmons, and Swindell; Nays – None; Absent or not voting – None.

Clerk's Note: A signed copy of “Resolution Requesting That The U.S. Army Corps of Engineers Amend The Existing Federal Authorization To Be More Inclusive Of The Entire Waterway At Hatteras Inlet and Its Connecting Channels” is attached herewith as Exhibit D and incorporated herein by reference.

To Release Board of Commissioners Closed Session Minutes

Chairman Pugh has reviewed closed session minutes from 2011 through July, 2015 and has determined minutes of closed session meetings listed on Exhibit A no longer require confidentiality and should be available for public inspection.

Commissioner Simmons moved to adopt “Resolution To Release Board of Commissioners Closed Session Minutes” and to release the 2011 through July, 2015 closed session minutes contingent upon County Attorney review. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Pugh, Fletcher, Tunnell, Simmons, and Swindell; Nays – None; Absent or not voting – None.

Clerk's Note: A signed copy of “Resolution To Release Board of Commissioners Closed Session Minutes” and Exhibit A – Closed Session Minutes 2011 – July, 2015 is attached herewith as Exhibit E and incorporated herein by reference.

Appointments:**Ocracoke Development Ordinance Board of Adjustments**

Commissioner Fletcher recommended James Johnson, Bill Monticone and Daphne Bennick to serve on the Ocracoke Development Ordinance Board of Adjustments. Three vacancies remain open.

Commissioner Fletcher moved to appoint James (Jake) Johnson (3 year term) and Bill Monticone (2 year term) and Daphne Bennick (2 year term) to serve on the Ocracoke Development Ordinance Board of Adjustments. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Fletcher, Tunnell, Simmons, and Swindell; Nays – None; Absent or not voting – None.

Items of Consideration:**2016 IRS Standard Mileage Rate**

Commissioner Tunnell moved to adopt the IRS 2016 Standard Mileage Rate of \$0.54. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Fletcher, Tunnell, Simmons, and Swindell; Nays – None; Absent or not voting – None.

Update on Revaluation

Linda Basnight, Tax Administrator, and Tommy Taylor, Pearson Appraisal, presented update on Hyde County tax revaluation. Currituck Township is completed and property on Ocracoke Island will be researched in March and April before tourist season starts. Ms. Basnight will submit a schedule of values to the Board for approval.

Feral Ducks

Will Doerfer, Special Assistant County Manager, presented update on the Ocracoke Feral duck population. Mr. Doerfer reported a group of 300 (+/-) feral ducks congregate at Community Square and do not migrate because they have a secure food source year round. These ducks have reportedly become a public nuisance and may cause public health issues for residents and visitors. He reported the ducks will be removed in a humane way.

Commissioner Concerns – Fletcher

1) **Dashboard Cameras** – Mr. Fletcher asked if Hyde County Sheriff's Department has dashboard cameras.

Guire Cahoon, Sheriff, reported not at this time. Installation and use of dashboard cameras would become a huge expense for the County.

2) **EMS Finance** – Mr. Fletcher asked about the Point of Distribution (POD) Exercise on January 5th.

David Howard, Health Director, reported the Anthrax POD Exercise is required by the State Public Health Administration to train staff to provide emergency response in the event of disaster.

Justin Gibbs, EM Director, submitted summary of the EMS department budget:

- Expenses have continued to decrease. Even though expenses appear to be higher during FY14-15, if you deduct the expenses offset by grants, the normalized total expenses equaled \$1,352,489.46 which is \$145,009.20 lower than the highest year of record (FY09-10).
- Revenues have increased over the reporting period. Collected billing revenues were exceedingly high in FY13-14 and down in FY14-15. The decrease collections in FY14-15 resulted in a higher annual contribution by the taxpayers (the increase exceeded the previous year of record (FY09-10) by \$3,103.88). If you average the expenses over revenues from FY13-14 and FY14-15, then expenses over revenues for the two year period (\$973,846.93 per year) were consistent with those recorded in FY12-13 (\$965,741.38).
- Regular time expenses have remained consistent over the period. Even though regular wages appear higher in FY14-15, if you deduct the expenses related to the requested Ocracoke up-staffing, the normalized total regular time expenses equaled \$538,000.50.
- Overtime expenses have remained consistent over the period. Even though overtime wages appear higher in FY14-15, if you deduct the expenses related to the requested Ocracoke up-staffing, the normalized total overtime expenses equaled \$147,918.37 (when compared to FY13-14 this equates to a decrease of \$2702.34 and a decrease of \$92,623.28 when compared to the year of record (FY10-11)).
- Most operational expenses have remained consistent, although some exceptions can be noted (contract services, oxygen, and equipment and office supplies purchased in FY14-15). The explanations for these increases are as follows:
 - Contract Services – new Patient Care Reporting (PCR) software.
 - Oxygen – Leasing larger cylinders due to longer transports.
 - Equipment and office supplies purchased in FY14-15 – Quick Response Vehicle (QRV) and Mainland EMS Station furniture.

Tolling Ferry Routes – Update

County Manager Rich presented update on tolling ferry routes. Mr. Rich received a letter of support of "Resolution Requesting the Albemarle Regional Planning Organization to Delay Consideration of Tolling Ferry Routes" from Representative John Torbett. Representative Torbett "not only fully supports this resolution to delay but more strongly supports NO TOLLING on ferry routes".

Ocracoke Occupancy Tax Board Funding and County Contracting Agent for Fire Works

County Manager Rich, at the February 2, 2015 Board of Commissioners Meeting, presented request from Ocracoke Civic and Business Association (OCBA) Fireworks Committee to reinstate fireworks on Ocracoke Island for 4th of July festivities. Fireworks were banned on the Island after the July 4, 2009 explosion.

Commissioners (Simmons was absent) voted unanimously to approve the Hyde County Board of Commissioners to be "Certificate Holder" and "Sponsor" of fireworks on Ocracoke on July 3, 2016 pending insurance certificate being approved by the County's Insurance Provider and County Attorney and as long as the Ocracoke Occupancy Tax Board funds the fireworks display.

Ocracoke Civic and Business Association, Ocracoke Fire Department, National Park Service and the Ocracoke Occupancy Tax Board support 2016 fireworks on Ocracoke. Twenty-two out of twenty-five letters from citizens support fireworks on Ocracoke. The National Park Service will provide a site for the fireworks presentation. OCBA asked the Board of Commissioners to approve the request from the Occupancy Tax Board for the funding and to remain the certificate holder for the 2016 Fireworks event.

Commissioner Fletcher moved to approve the Ocracoke Occupancy Tax Board's request to use Occupancy Tax funds to purchase fireworks on Ocracoke and for the County to remain the insurance certificate holder for the 2016 Ocracoke Fireworks event. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Fletcher, Tunnell, Simmons, and Swindell; Nays – None; Absent or not voting – None.

Noise Ordinance Update

Will Doerfer, Assistant Manager, presented update on the Ocracoke Noise Ordinance.

Commissioner Fletcher approves Mr. Stephen Wilson's letter in opposition of amending the Noise Ordinance.

NCACC/ICMA Fellow Monthly Activity Report

Will Doerfer, NCACC/ICMA Management Fellow, presented report of his monthly activity and accomplishments.

Budget Revisions:

Commissioner Fletcher moved to approve budget revision BR10-22 – Health – Family Planning State. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Fletcher, Tunnell, Simmons, and Swindell; Nays – None; Absent or not voting – None.

Management Reports:

Commissioner Fletcher – no report.

Commissioner Simmons – reported he supports the Mattamuskeet Lodge project and recommended we stay active with drainage/pumping issues in Hyde County.

Commissioner Swindell – participated in the Scranton Christmas Parade on December 5th and attended the Health Board meeting. Mr. Swindell requested updated documentation and pictures of all county property and stated not all FEMA property is not being used properly. The Hyde County Property Portfolio (by township) will be updated and property will meet FEMA compliance when required.

Commissioner Tunnell – congratulated Vice-Chairman Barry Swindell on his tenure as Chairman; welcomed newly appointed Chairman Earl Pugh, Jr.; and thanked Manager Rich for a job well done. Mr. Tunnell attended the NC Farm Bureau meeting; and, Mid-East Commission meeting and reported the Commission has broken away from Washington and is now in Williamston.

Chairman Pugh – participated in the Fairfield Christmas Parade. Mr. Pugh will attend the Hyde County and NC Wildlife Resources Commission joint Restoration and Operation event for the Mattamuskeet Lodge project.

Manager Rich – reported he will attend the three day Growing Hyde “Cultivating Economic Opportunities for the Future” summit and the January 12th meeting with US Fish & Wildlife to discuss red wolves in Hyde County.

Mr. Rich provided his December calendar.

Public Comments:

Chairman Pugh called for comments from the public.

Connie Leinbach, Ocracoke – asked the Board to complete the draft Noise Ordinance amendment by February.

Manager Rich reported the Noise Ordinance will be defined and not changed.

Commissioner Fletcher asked that a noise time limit not be set for Ocracoke businesses to close and reported tourism depends on people having fun.

There being no further comments from the public, Chairman Pugh continued the meeting.

Closed Session: (none)

Adjourn:

Commissioner Swindell moved to adjourn the January 4, 2016 Board of Commissioners Meeting. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Fletcher, Tunnell, Simmons, and Swindell; Nays – None; Absent or not voting – None.

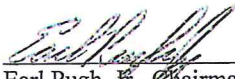
The January 4, 2016 Board of Commissioners meeting adjourned at 8:25p.m.

Respectfully submitted:

Minutes approved on the 1st day of February, 2016.



Lois Stotesberry, CMC, NCCCC
Clerk, Hyde County Board of Commissioners



Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners

Attachments:

Exhibit A: *"Commendation and Proclamation" for Commissioner Barry Swindell*

Exhibit B: *"Proclamation - Radon Action Month"*

Exhibit C: *"Resolution Condemning The Action Of The North Carolina Marine Fisheries Commission To Use The Supplement Process To Restrict Southern Flounder"*

Exhibit D: *"Resolution Requesting That The U.S. Army Corps of Engineers Amend The Existing Federal Authorization To Be More Inclusive Of The Entire Waterway At Hatteras Inlet and Its Connecting Channel"*

Exhibit E: *"Resolution To Release Board of Commissioners Closed Session Minutes" and Exhibit A – Closed Session Minutes 2011 – July, 2015"*

COMMENDATION AND PROCLAMATION

JANUARY 4, 2016

By the authority of the Hyde County Board of Commissioners, the following proclamation is hereby issued:

WHEREAS, BARRY SWINDELL BEGAN HIS SERVICE AS HYDE COUNTY COMMISSIONER DECEMBER 4, 2006; AND,

WHEREAS, BARRY SWINDELL SERVED AS VICE-CHAIRMAN OF THE BOARD OF HYDE COUNTY COMMISSIONERS FROM DECEMBER 1, 2008 TO FEBRUARY 26, 2010; AND,

WHEREAS, BARRY SWINDELL SERVED AS CHAIRMAN OF THE BOARD OF HYDE COUNTY COMMISSIONERS FROM DECEMBER 3, 2012 TO DECEMBER 7, 2015; AND,

WHEREAS, BARRY SWINDELL SERVED AS INTERIM HYDE COUNTY MANAGER FROM FEBRUARY 4, 2013 TO MARCH 1, 2013; AND,

WHEREAS, BARRY SWINDELL NOW SERVES AS VICE-CHAIRMAN OF THE HYDE COUNTY BOARD OF COMMISSIONERS.

NOW, THEREFORE, BE IT RESOLVED THAT THE HYDE COUNTY BOARD OF COMMISSIONERS HEREBY COMMENDS COMMISSIONER BARRY SWINDELL FOR HIS DEDICATION AND LEADERSHIP ROLE AS CHAIRMAN AND INTERIM MANAGER TO THE BOARD OF COUNTY COMMISSIONERS AND THE CITIZENS OF HYDE COUNTY SINCE 2012.

HYDE COUNTY BOARD OF COMMISSIONERS

EARL PUGH, JR., CHAIRMAN

BARRY SWINDELL
VICE-CHAIRMAN

COMMISSIONER DICK TUNNELL

COMMISSIONER BEN SIMMONS

COMMISSIONER JOHN FLETCHER

RADON ACTION MONTH

A PROCLAMATION

WHEREAS, radon is a colorless, odorless, naturally occurring radioactive gas that threatens the health of our citizens; and

WHEREAS, according to the U.S. Environmental Protection Agency, radon causes more than 20,000 deaths each year, making it the second leading cause of lung cancer deaths in the United State and the number one cause among non-smokers; and

WHEREAS, a national health advisory was issued by the U.S. Surgeon General in 2005 because breathing indoor radon over prolonged periods can present a significant health risk; and

WHEREAS, according to the U.S. Environmental Protection Agency, one in 15 homes across the country has an elevated radon level; and

WHEREAS, in North Carolina, based on data collected by the Radiation Protection Section in the Division of Health Service Regulation, radon is present at elevated levels in about seven percent of homes; and

WHEREAS, indoor elevated levels of radon is a preventable and correctable problem; and

WHEREAS, testing for radon is simple and inexpensive, ranging from \$6 to \$30 for do-it-yourself tests with costs of repairs by a professional to reduce the radon level ranging from \$1,500 to approximately \$2,500; and

WHEREAS, the State's Radon Program and the U.S. Environmental Protection Agency are encouraging Americans to test their homes for radon, mitigate elevated levels of radon, and build new homes with radon-resistant materials and features;

NOW, THEREFORE, the Hyde County Board of Commissioners of the State of North Carolina, do hereby proclaim January 2016 as "RADON ACTION MONTH" in Hyde County, North Carolina and urge our citizens and interested groups to promote awareness of the hazards of radon exposure, encourage citizens to test and mitigate their homes for radon levels and visit www.epa.gov/radon for additional radon information.

This the 4th day of January, 2016.

Attest:

Earl Pugh, Jr.
Earl Pugh, Jr., Chairman

By:

Lois Stotesberry, CMS, NCCCC
Lois Stotesberry, Clerk to Board

**A RESOLUTION
CONDEMNING THE ACTION
OF THE NORTH CAROLINA MARINE FISHERIES COMMISSION
TO USE THE SUPPLEMENT PROCESS TO RESTRICT SOUTHERN FLOUNDER**

WHEREAS, during their November 2015 meeting at Jennette's Pier, the North Carolina Marine Fisheries Commission (NCMFC) approved using a controversial "Supplement Process" to close down most of the state's fishing for southern flounder; and

WHEREAS, the established procedure for responsible fisheries governance is through the use of a Fisheries Management Plan (FMP), which is designed to incorporate peer reviewed science, stakeholder input, and other pertinent facts to establish fisheries policies in a deliberate, open, and transparent way; and

WHEREAS, instead of relying on a thoroughly vetted Amendment Process to the southern flounder Fisheries Management Plan, the NCMFC chose instead to invoke the use of the Supplement Process in spite of the fact that there is no scientific evidence to support such a drastic measure that will have draconian consequences; and

WHEREAS, when the NCMFC adopted the Supplement Process they violated and misused the statutory authority granted them in NCGS 113-182.1 which requires that the NCMFC provide a position on the supplement based on science from the Division of Marine Fisheries or from independent experts; and

WHEREAS, the North Carolina Marine Fisheries Commission also chose to ignore the will of the people as expressed in resolutions it received prior to their November meeting from the Counties of Bertie, Camden, Carteret, Currituck, Dare, Hyde, Pasquotank, and Tyrrell opposing the use of the Supplement Process to restrict southern flounder; and

WHEREAS, the arbitrary and capricious action taken by NCMFC at its November 2015 meeting threatens to harm North Carolina's commercial fishermen by depriving them of a traditional source of income that is fundamental to sustaining local economies throughout North Carolina's coastal communities without cause; and

WHEREAS, the Hyde County Board of Commissioners stands ready to vigorously support our Working Watermen in their efforts to prevent the implementation of the Supplement Process and asks all coastal communities to join in this endeavor; and

WHEREAS, the Hyde County Board of Commissioners calls on the North Carolina Marine Fisheries Commission to determine if any changes are in fact needed for the southern flounder Fisheries Management Plan through the established Amendment Process whereby scientific and accurate stock assessment can properly be determined with the benefit of peer review and public input from all stakeholders including elected officials of coastal communities and commercial fishermen.

NOW, THEREFORE, BE IT RESOLVED, that the Hyde County Board of Commissioners strongly urges the North Carolina Marine Fisheries Commission to immediately suspend the use of the Supplement Process for southern flounder and undertake a deliberate, thoughtful, and methodical review of the Fisheries Management Plan to determine what, if any, changes are needed based on peer reviewed science and stakeholder input.

BE IT FURTHER RESOLVED, that the Hyde County Board of Commissioners calls on all coastal communities to adopt similar resolutions supporting North Carolina's working watermen who vitally depend on the southern flounder fishery to provide jobs, generate incomes, provide a freshly caught public trust resource to the tables of North Carolina families, and bolster the economy of North Carolina.

This the 4th day of January, 2016





Earl Pugh, Jr., Chairman

Attest:



Lois Stotesberry, Clerk to the Board

**A RESOLUTION
REQUESTING THAT THE U.S. ARMY CORPS OF ENGINEERS AMEND THE
EXISTING FEDERAL AUTHORIZATION TO BE MORE INCLUSIVE OF THE
ENTIRE WATERWAY AT HATTERAS INLET AND ITS CONNECTING CHANNELS**

WHEREAS, the waterway between Hatteras Island and Ocracoke Island, known as Hatteras Inlet and also known as Rollinson Channel, is a unique area in that it provides the only way for local watermen to get direct access to the Atlantic Ocean and for NCDOT to transport millions of people each year between Hatteras and Ocracoke Islands who, because there is no bridge, must travel between the two islands on ferry vessels; and

WHEREAS, the Hatteras Inlet waterway not only provides a direct channel to the Atlantic Ocean for commercial and recreational fishing vessels, it is the means of access for the United States Coast Guard to use when responding to potentially lifesaving ocean rescue missions; and

WHEREAS, Hatteras Inlet is subject to constantly shifting shoals and sandbars posing a clear and present danger for safe navigation between Hatteras and Ocracoke Islands and through the channel to the Atlantic Ocean that is known as the Hatteras Inlet Gorge; and

WHEREAS, the dangerous shoaling at Hatteras Inlet not only threatens the lives and property of commercial and recreational vessels it also jeopardizes the economy of the region by causing irreparable harm to charter boat operators, commercial fishing operations, seafood processing houses, marine repair facilities, and other local businesses on both Hatteras and Ocracoke Islands that depend on the Hatteras Inlet waterway; and

WHEREAS, because the most direct navigational route between Hatteras and Ocracoke Islands, known as the Connecting Route and also known as the old Ferry Route, cannot be used due to shoaling, local vessels and NCDOT ferries are forced to take a time consuming detour through a longer alternate route known as Barney Slough; and

WHEREAS, being forced to use the longer alternate route NCDOT has suffered an increase of nearly one million dollars in costs per year to provide ferry service between Hatteras and Ocracoke Islands; and

WHEREAS, the Hyde County Board of Commissioners has been diligently seeking funding for proactive dredging to secure reliable and cost effective navigational access to enable our working watermen to get to the Atlantic Ocean and for our visitors to safely travel between Hatteras and Ocracoke Islands, both of which are vital to public safety and to sustain the economy of the region; and


WHEREAS, the current Federal Authorization used by the U.S. Army Corps of Engineers was established in the 1940's with boundaries that are no longer relevant given the changes to the inlet over time which has resulted in an authorization that is restricted to only a small portion of the Connecting Channel just off the south end of Hatteras Island and does NOT include the entire Ferry Route to Ocracoke Island or the Hatteras Inlet Gorge to and including the Atlantic Ocean Bar; and

WHEREAS, if the existing Federal Authorization were amended to include the entire Connecting Route, also known as the old Ferry Route, and the Hatteras Inlet Gorge to and including the Atlantic Ocean Bar, as well as the current ferry channel also known as Barney Slough, it would provide the necessary authorization to allow dredging to be done in a comprehensive way that would encompass the entire area that is needed for our local watermen and the NCDOT Ferry Division.

NOW, THEREFORE, BE IT RESOLVED that the Hyde County Board of Commissioners supports the request made by Senator Bill Cook for the U.S. Army Corps of Engineers to amend the existing Federal Authorization to be more inclusive of the entire waterway of the area that is known as Hatteras Inlet.

BE IT FURTHER RESOLVED that for reasons of public safety and economic necessity the Hyde County Board of Commissioners adds its urgent request that the U.S. Army Corps of Engineers amend the existing Federal Authorization by expanding the coverage area to include all channels between Hatteras Island and Ocracoke Island and to also include the Inlet Gorge to and including the Bar for access to the Atlantic Ocean.

This the 4th day of January, 2016



Earl Pugh, Jr., Chairman

Attest:



Lois Stotesberry, Clerk to the Board

Board of Commissioners

Earl Pugh, Jr., Chairman
Barry Swindell, Vice-Chairman
Ben Simmons
Fletcher
Tunnell

COUNTY OF HYDE
30 Oyster Creek Road
PO Box 188
SWAN QUARTER, NORTH CAROLINA 27885
252-926-4400
252-926-3701 Fax



267
Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board

**A RESOLUTION TO RELEASE
BOARD OF COMMISSIONERS CLOSED SESSION MINUTES**

WHEREAS, the Hyde County Board of Commissioners has met from time to time in executive session for purposes authorized in accordance with the Public Records Law (NCGS132-1 – 132.10 and the Open Meetings Law - NCGS143-318.9 – 318.18; and,

WHEREAS, pursuant to the requirements of NCGS143-318.11, the Hyde County Board of Commissioners reviewed minutes of all closed session meetings dated (2011 to 07-2015) and make a determination and report in open session that (1) the need for confidentiality still exists as to all or part of those minutes; or (2) that the minutes or portions thereof no longer require confidentiality and should be available for public inspection; and,

WHEREAS, the Hyde County Board of Commissioners has determined that the schedule of minutes of closed session meetings attached hereto as Exhibit "A" no longer require confidential treatment, in whole or in part and the Hyde County Board of Commissioners has found that portions of the minutes to be released be redacted for confidential treatment; and,

WHEREAS, the Hyde County Board of Commissioners has determined that the schedule of minutes of closed session meetings attached hereto as Exhibit "B" still require confidential treatment and will not be made available for public inspection at this time, pursuant to NCGS143-318.11; and,

NOW, THEREFORE, BE IT RESOLVED THAT The Hyde County Board of Commissioners declare:

- 1: The foregoing recitals are hereby found as fact and incorporated herein by reference.
- 2: The executive session minutes from those meetings set forth on Exhibit A are hereby released in whole or in part with portions of the minutes redacted for confidential treatment if determined necessary.
- 3: The executive session minutes from those meetings set forth on Exhibit B still require confidential treatment and will not be released at this time.
- 4: The County Clerk is hereby authorized and directed to make said minutes available for posting on the Hyde County website for inspection and copying in accordance with the standing procedures of the Clerk's office.
- 5: That this Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

This the 4th day of January, 2016.

By: Earl Pugh, Jr.
Earl Pugh, Jr., Chairman

Attest: Lois Stotesberry, CMC, NCCCC
Lois Stotesberry, Clerk to Board

Board of Commissioners

Earl Pugh, Jr., Chairman
 Barry Swindell, Vice-Chairman
 Ben Simmons
 J. Fletcher
 L. Funnell

COUNTY OF HYDE
 30 Oyster Creek Road
 PO Box 188
 SWAN QUARTER, NORTH CAROLINA 27885
 252-926-4400
 252-926-3701 Fax



Bill Rich
 County Manager

Fred Holscher
 County Attorney

Lois Stotesberry, CM/C, NCCCC
 Clerk to the Board

**A RESOLUTION TO RELEASE
 BOARD OF COMMISSIONERS CLOSED SESSION MINUTES**

WHEREAS, the Hyde County Board of Commissioners has met from time to time in executive session for purposes authorized in accordance with the Public Records Law (NCGS132-1 – 132.10 and the Open Meetings Law - NCGS143-318.9 – 318.18; and,

WHEREAS, pursuant to the requirements of NCGS143-318.11, the Hyde County Board of Commissioners reviewed minutes of all closed session meetings dated (2011 to 07-2015) and make a determination and report in open session that (1) the need for confidentiality still exists as to all or part of those minutes; or (2) that the minutes or portions thereof no longer require confidentiality and should be available for public inspection; and,

WHEREAS, the Hyde County Board of Commissioners has determined that the schedule of minutes of closed session meetings attached hereto as Exhibit "A" no longer require confidential treatment, in whole or in part and the Hyde County Board of Commissioners has found that portions of the minutes to be released be redacted for confidential treatment; and,

WHEREAS, the Hyde County Board of Commissioners has determined that the schedule of minutes of closed session meetings attached hereto as Exhibit "B" still require confidential treatment and will not be made available for public inspection at this time, pursuant to NCGS143-318.11; and,

NOW, THEREFORE, BE IT RESOLVED THAT The Hyde County Board of Commissioners declare:

- 1: The foregoing recitals are hereby found as fact and incorporated herein by reference.
- 2: The executive session minutes from those meetings set forth on Exhibit A are hereby released in whole or in part with portions of the minutes redacted for confidential treatment if determined necessary.
- 3: The executive session minutes from those meetings set forth on Exhibit B still require confidential treatment and will not be released at this time.
- 4: The County Clerk is hereby authorized and directed to make said minutes available for posting on the Hyde County website for inspection and copying in accordance with the standing procedures of the Clerk's office.
- 5: That this Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

This the 4th day of January, 2016.

By: Earl Pugh, Jr.
 Earl Pugh, Jr., Chairman

Attest: Lois Stotesberry, CM/C, NCCCC
 Lois Stotesberry, Clerk to Board

Exhibit A - Closed Session Minutes to Release		
Date	Description	NCGS143-318.11
March 7, 2011	Regular Mtg.	(a) (3) Attorney Client Privilege (6) Personnel
March 21, 2011	Regular Mtg. stipend -cell phone	(a) (6) Personnel
April 4, 2011	Regular Mtg.	(a) (3) Attorney Client Privilege (4) Industry
May 16, 2011	Regular Mtg.	(a) (3) Attorney Client Privilege
June 6, 2011	Regular Mtg.	(a) (3) Attorney Client Privilege (6) Personnel
June 20, 2011	Regular Mtg.	(a) (5) Contract
July 5, 2011	Regular Mtg. - Appoint Acting HR Director/ Finance Officer	(a) (6) Personnel
August 15, 2011	Regular Mtg.	(a) (3) Attorney Client Privilege
October 3, 2011	Regular Mtg.	(a) (6) Personnel
November 7, 2011	Gibbs vs. Hyde Co.	(a) (6) Personnel (7) Legal Counsel
December 5, 2011	Reorganize EM Dept./hire PIO	(a) (6) Personnel
March 5, 2012	Regular Mtg.	(a) (6) Personnel
March 19, 2012	Regular Mtg.	(a) (4) To discuss location of
April 2, 2012	Regular Mtg. - Appoint HR Director	(a) (6) Personnel
April 16, 2012	Bd. Of E&R - 4p/recessed CS/regular mtg. resumed - 6p/ reconvened CS - 7:55p	(a) (6) Personnel
May 7, 2012	Regular Mtg. - Salary Correction	(a) (6) Personnel
June 4, 2012	Regular Mtg.	(a) (3) Attorney Client Privilege
July 16, 2012	Regular Mtg. - Economic Developer	(a) (4) Industry/Business (6) Personnel
August 6, 2012	Regular Mtg.	(a) (6) Personnel
September 17, 2012	Regular Mtg.	(a) (4) To discuss location of Industries/ Businesses
October 1, 2012	Reorganize EM Dept.	(a) (6) Personnel
December 12, 2012	Interim Manager Appointed	(a) (6) Personnel
January 7, 2013	Regular Mtg.	(a) (6) Personnel
January 28, 2013	Special Mtg. - Interviews	(a) (6) Personnel
January 29, 2013	Special Mtg. - Interviews	(a) (6) Personnel
February 4, 2013	ADAP employees - full benefits approved	(a) (6) Personnel
April 1, 2013	ECB Building	(a) (3) Attorney Client Privilege (4) Location/ expansion of industry
May 6, 2013	Regular Mtg.	(a) (6) - Personnel
June 3, 2013	Regular Mtg.	(a) (1) Confidentiality (6) Personnel
July 1, 2013	Regular Mtg.	(a) (6) Personnel
October 7, 2013	Regular Mtg.	(a) (3) Attorney Client Privilege
January 6, 2014	Regular Mtg. - Manager Contract	(a) (6) Personnel
October 6, 2014	Regular Mtg.	(a) (6) Personnel
December 1, 2014	Regular Mtg.	(a) (3) Attorney Client Privilege (4) Industry
July 6, 2015	Regular Mtg.	(a) (6) Personnel

Exhibit B - Closed Session Minutes to Hold		
Date	Description	NCGS143-318.11
September 6, 2011	Regular Mtg.	(a) (3) Attorney Client Privilege
December 3, 2012	Regular Mtg.	(a) (6) Personnel